

RESOLVE

Reach Equitable SOLutions Voluntarily and Easily

Do you have a concern or a dispute with your supervisor, or with an action that has been taken by your employer that has affected you?

If so, then RESOLVE may be for you.

When you bring a concern to the Equal Employment Opportunity Office you have entered into the discrimination complaint processing system. The discrimination complaint processing system is prescribed by law (Title 29 of the Code of Federal Regulations, Part 1614). It is focused on determining if you were the victim of illegal discrimination because of your race, color, sex, national origin, religion, age, disability, or previous participation in protected EEO activities.

RESOLVE is focused on your concern and on helping you and your employer resolve it. RESOLVE is available to you as an alternative to the discrimination complaint processing system prescribed by law.

Consider this:

<u>ITEM</u>	<u>RESOLVE</u>	<u>DISCRIMINATION COMPLAINT PROCESSING SYSTEM</u>
How is my concern addressed or processed?	Informally, with the assistance of a mediator. There are no legal standards or principles that must be adhered to.	Formally, according to legal standards and principles.
How do I insure that I get the relief or resolution that I want?	RESOLVE allows you to be an active participant in working with the mediator and your employer in creating a solution that is satisfactory to you and your employer.	You can't. If a third party decides that you have not been discriminated against, you will generally get no relief. If a third party decides you have been discriminated against, the third party will decide what relief you will get.
Do I have to prove that I was the victim of illegal discrimination in order to be entitled to relief?	No. RESOLVE seeks to resolve your concern. RESOLVE does not require that you first prove that you have been the victim of illegal discrimination.	Yes. Generally speaking, you must first prove that your employer intentionally discriminated against you <i>before</i> you can get any relief.

RESOLVE is quick. Your concern is addressed immediately.

The discrimination complaint processing system is slow. It is not uncommon for the discrimination complaint processing system to take up to a year to produce a decision.

RESOLVE is confidential.

The RESOLVE process is held in private. You do not have to give formal, written statements. The discrimination complaint processing system is not confidential. An outside investigator, various third parties, and your Activity Commander will necessarily become privy to your complaint. You will be asked to give a written affidavit, which will be shown to those whom you claim have discriminated against you.

You do not give up any legal right by electing to have your concern addressed by RESOLVE.

If you and your employer are unable to reach a solution to your concern, you have the right to elect to have your concern considered by the formal procedures of the discrimination complaint processing system.

RESOLVE has been used by others.

It has resulted in resolutions to employee concerns over 70% of the time. The odds are that it will work for you.

How does RESOLVE work?

RESOLVE involves discussing your concern with your supervisor in the presence of a mediator. A mediator is a person who is skilled at assisting you and your supervisor in talking about your concern and in helping you and your supervisor find ways to resolve it. A mediator does not take sides. You do not have to persuade a mediator that you are right and the employer is wrong. The mediator is only interested in the concern and what might be done to resolve it. The mediator respects the fact that you have a concern, but he or she also respects the fact that your employer has his or her side of the story to tell too.

Here is an example scenario of how a concern that is mediated under the RESOLVE program might be addressed and resolved.

Example

One day your supervisor yells at you from across the room, asking why you were late in reporting for work. You are offended by this seeming lack of respect. You seek counseling from the Equal Employment Opportunity Office. You harbor suspicions that your supervisor might have yelled at you, in part, because you are an African American. You elect, and the Equal Employment Manager approves, to have your concern addressed through the RESOLVE program.

The Equal Employment Manager contacts a certified mediator and arranges for you and your supervisor to meet with him/her.

The mediator sets ground rules for the meeting. Both you and your supervisor are given an uninterrupted opportunity to present an accounting of what happened and why.

You are allowed to begin. You say that there was a traffic accident on the way to work that caused you to be late. You say that your supervisor had no cause to yell at you from across the room, in the earshot of others, to berate you in the manner in which he did.

Your supervisor is allowed to present his side of the story next. He says that this is not the first time you have been late in reporting to work. He says you did not contact him to say you would be late, nor did you report to him when you finally arrived at work. He says that he did not belittle you with his remarks and wanted to make an impression on the rest of his employees that being late without reporting to him is not tolerated.

The mediator then has a one-on-one meeting with you. Here is your opportunity to discuss concerns, fears, and confidential matters with the mediator that you would not, or would be reluctant to, discuss in the presence of your supervisor. The mediator will not disclose any of these matters, unless you agree to allow him/her to do so.

In your one-on-one meeting with the mediator, you confide that, yes, you have had problems in getting to work on time lately, but that is because you have to drop your daughter off at the Day Care Center and sometimes delays are encountered. You say that your supervisor is "hard headed" and that you are afraid to talk to him because he tends to raise his voice when things are not exactly as he wants them to be, which upsets you.

The mediator asks you what you believe would be a reasonable solution to your concern. You say you want your supervisor to treat you with respect. You also want your supervisor to delete the notation he made on your Employee Record Card because you could not help being late on the day in question.

The mediator will then have a one-on-one meeting with your supervisor.

Your supervisor says he admits being upset and angry with you, and regrets he yelled at you from across the room instead of calling you into his office to talk to you about being late. But, he does not know what to do about your repeated instances of coming to work late. He says he did not know that you had to drop your daughter off at the Day Care Center.

The mediator then brings you and your supervisor back together again for a facilitated discussion. Working together, you and your supervisor agree to have your tour of duty adjusted to allow you to report for work ½ hour later in the morning to allow you time to drop off your daughter at the Day Care Center. You and your supervisor agree that the notation on your Employee Record Card will remain for the time being, but that if there are no further instances in the next six months of you coming into work late without contacting your supervisor to let him know what your problem is, the notation will be removed. You agree that you will not be treated differently from any other employee under his supervision when it comes to tardiness or instances of unacceptable absence. Your supervisor agrees to meet with you to discuss ways that you and he can get along without unduly upsetting you. You agree to drop the EEO complaint that caused you to visit the Equal Employment Opportunity Office in the first place.

The mediator helps you and your supervisor to commit these agreements to writing. You and your supervisor sign off on a written Settlement Agreement and the meeting is concluded.

The written Settlement Agreement is your contract with your employer.

If your employer does not do what it agreed to do in the Settlement Agreement, you can file a claim with the DLA Corporate Equal Employment Opportunity Office. You may ask that the Agreement be implemented as agreed-to, or you may ask that the Agreement be set aside and your complaint be reinstated for processing under the discrimination complaint processing system.

RESOLVE is yours for the asking.

Only you can start the RESOLVE process by letting your Equal Employment Opportunity Office know that you want to use it.

You should know that the Equal Employment Manager may not approve using RESOLVE if the matter of your concern would not be appropriate for this process. But, these are “rare instance” situations. The vast majority of concerns are fully appropriate for RESOLVE.

Is RESOLVE for you?

<u>Item</u>	<u>RESOLVE is for you</u>	<u>RESOLVE is not for you</u>
I want my concern considered.	✓	
I can keep control of my emotions.	✓	
I am open-minded and willing to be flexible in working to a resolution of my concern.	✓	
I want revenge.		✓
My supervisor and I cannot discuss my concern without getting into a personality clash. Even a mediator will not be able to stop this.		✓
My demands for relief are firm and are non-negotiable.		✓

Further information about the RESOLVE program is available from your Equal Employment Opportunity (EEO) Office.

It's your move. Make it a wise one.